

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

CORAM: Shri M. S. Keny, State Chief Information Commissioner

Appeal No.69/SCIC/2010

Shri Kashinath Shetye,
R/o Bambino Building,
Alto Fondvem, Raibandar,
Tiswadi – Goa.

... Complainant

V/s

Public Information Officer,
Executive Engineer XI (QC),
PWD, Patto, Panaji – Goa.

... Opponent

Kum. S. Satardekar, representative of the Complainant.
Adv. A. Mandrekar for Complainant.
Opponent in person.

O R D E R
(07/06/2010)

1. The Complainant, Shri Kashinath Shetye, has filed this Complaint praying that the information as requested by the Complainant be furnished to him correctly, free of cost as per section 7 (6) and as per the circular and the annexure I to V, that the penalty be imposed on the Public Information Officer as per law for denying the information, that compensation be granted as for the detriment faced by the Complainant for not getting the information and harassment caused and also for inspection of documents.

2. The gist of the Complainant's case is as under:-

That the Complainant had filed an application dated 14/01/2010 under Right to Information Act('RTI' Act short) thereby requesting the Public Information Officer ('PIO' for short) Department of Information and Technology to issue information specified therein, which was transferred as per section 6 (3) of the RTI Act to the Opponent. That the PIO/Opponent No. 1 failed to furnish the

...2/-

required information as per the application of the Complainant and no inspection of Information was allowed. Considering the said non-action on behalf of the Opponent No.1 of the RTI Act, the Complainant prefers this Complaint on the grounds as set out in the Complaint.

3. The Opponent resists the complaint and their say is on record. It is the case of the Opponent that the grounds on which the Complainant has filed the complaint are not tenable. That there is no such order dated 10/02/2010 as alleged by the Complainant. That the PIO of the information Department had transferred copy of application to PIO of PWD, Office of the H.O.D, PWD asking for suitable reply to Sr. No. 3 of said application. That the information as asked has been furnished.

4. Heard the applicant and the Opponent and perused the records. It is seen that the complainant filed an application dated 14/01/2010 seeking information. The application was made to Public Information Officer. Information Technology, Panaji – Goa. By letter dated 25/01/2010 PIO Department of Information transferred the same to the present opponent. It is the case of Opponent that the information is already furnished. This Commission perused the copy of the letter alongwith the annexure. It is seen that Annexure I is furnished.

During the course of his arguments Public Information Officer submits that they maintain F.M.I. in 5 annexures. However, in view of the letter received he sent only one annexure i.e. Annexure I as he thought that only one annexure is to be given. He further submitted that he is ready to give the same.

5. Considering the application is dated 14/01/2010 and the reply given I find that there is no delay as such. However I must point out that whenever an application is transferred under section 6 (3) the same should be made as soon as practicable but in no case later than five days from the date of receipt of the application.

6. The Opponent also challenges the maintainability of the Complaint. Normally the applicant is supposed to prefer an appeal before the Appellate Authority within the organization before coming to this Commission. I do agree that Complaint should be filed strictly within the framework of the RTI Act. In any case I need not address to this aspect as information is furnished and Opponent is willing to furnish the remaining part of information.

7. In the present case as per the version of Opponent they maintain file movement Index and they are ready to furnish the same. Hence, I pass the following order:-

The Opponent is directed to furnish the file movement index as per the said circular and annexure I to V within 15 days from the date of receipt of this order.

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 7th day of June, 2010.

Sd/-
(M. S. Keny)
State Chief Information Commissioner